In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R.No.4019 of 2007.
Decided on Sept 10,2007.

S.Inderjit Singh -- Petitioner

vs.

M/S.Surinder Singh Darshan Kaur and another -- Respondents.

Present: Mr. Anupam Bharwaj,Advocate,for the petitioner

Mr.V.K.Sandhir,Advocate,for the respondents.

Permod Kohli, J:(Oral)

This is a revision against the order dated July 18,2007, whereby an application for amendment of the plaint has been dismissed.

The petitioner is the plaintiff in the trial Court. He has filed a suit against the two defendants. As far defendant No.2. is concerned, though, it is a firm, it has not been sued through any partner/person. In the application, the applicant pleaded that the plaint be allowed to be amended to the extent that respondent No.2 be allowed to be sued through Ranjit Singh Dusad son of Balbir Singh- partner. His further prayer is that he should be allowed to be sued as an additional defendant in the suit.

During the course of hearing,learned counsel for the petitioner submits that he wants to amend the plaint only by incorporating following words with respondent No.2 " through Ranjit Singh Dusad son of Balbir Singh partner ", and he does not want to amend the plaint in any other

manner nor lead any evidence in this regard. Defendant/applicant's plea is that the firm M/S Dusad Enterprises i.e. defendant No.2 has three partners i.e. Surinder Singh, Darshan Kaur and Ranjit Singh Dusad. It is further argued that it is the only firm in existence and defendant No.1. is not a firm in existence. In view of the admission of the defendant/respondent, Ranjit Singh is one of the partners/ Incharge, no prejudice can be caused to the defendants if the amendment prayed for is allowed. It has been stated on behalf of the defendants/respondents that Darshan Kaur is also representing defendant No.2. firm. Be that as it may, if the applicant/petitioner is allowed to add above mentioned words with defendantNo.2, it will neither change nature of the suit nor will make any other difference. This is particularly when the plaintiff does not want to lead any evidence in this regard.

In view of the above circumstances, the impugned order is modified to the extent mentioned above where under plaintiff will mention after defendant No.2. " through Ranjit Singh Dusad son of Balbir Singh".

This revision is, accordingly, allowed in the above manner.

The parties to appear before the trial Court on the date fixed.

Sept 10,2007 **(Permod Kohli)**
RR **Judge**